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SUBJECT: PRM A/S SAUERBREY DISCUSSES REFUGEES, RESETTLEMENT WITH MFA OFFICIALS

HANOI 00000286 001.2 OF 003

Summary

1. (SBU) On February 5, Assistant Secretary of State for Population, Refugees and Migration Ellen Sauerbrey met with MFA Assistant Foreign Minister Pham Binh Minh and MFA Consular Department Deputy Director General Nguyen Minh Vu in separate meetings. During the meeting with AFM Minh, A/S Sauerbrey said that greater GVN openness in allowing contact with returnees in the Central Highlands has helped to alleviate U.S. concern about their possible mistreatment, but noted the need for greater poverty alleviation efforts in the area. AFM Minh explained GVN policy on determining citizenship for certain groups of stateless persons, addressed the issue of the treatment of DPRK refugees in Vietnam and asked for more cooperation on humanitarian resettlement. Both MFA officials indicated support for in-country processing of refugee cases and asserted that returnees to the Central Highlands are not mistreated. End summary.

Returnees to Central Highlands Not Mistreated

2. (SBU) A/S Sauerbrey, accompanied by Ambassador Marine, began her meeting with AFM Minh by explaining that U.S. concerns about the possible mistreatment of ethnic minority returnees in the Central Highlands arose from the continuing reports circulating in Washington and in the region. Due to recent greater openness on the part of the GVN, it was helpful to be able to talk directly and privately with returnees in the area and gather first-hand information. These conversations have changed our view of the situation in part because the meetings took place in returnees' homes without any indication of GVN pressure influencing their remarks, the A/S said.

3. (BU) During conversations with the returnees, some indicated that they had gone to Cambodia because of poverty and a lack of opportunities in life, A/S Sauerbrey continued. The returnees she met were all young people, many of whom did not express a reason for fleeing to Cambodia other than simply following along with others. The Assistant Secretary explained that refugee status is granted to victims of persecution, but not to persons seeking better economic opportunities.

Poverty Alleviation Needed to Improve the Returnees' Prospects

4. (SU) A/S Sauerbrey also noted that, while there appears to be a dramatic improvement in the treatment of ethnic minorities in the Central Highlands, issues of poverty and lack of education and training need to be addressed. Life prospects have not changed for the better since the returnees came home. She suggested that it would be constructive for the United States and Vietnam to work together to address poverty in the area. She also raised with GVN

officials the importance of allowing NGOs to work in the Central Highlands.

15. (SBU) AFMMinh responded that, thanks to the Assistant Secretary's visit to the Central Highlands, she now sees the difference between information in Washington and the facts on the ground. He encouraged meetings with additional returnees in order to obtain direct information and understand the situation. Refugees cross the border to Cambodia for economic reasons, not political, he asserted. They think they can cross the border and go to the United States. The GVN does not want potential resettlement cases crossing the border, but would rather cooperate with the United States in such a way that does not force people to leave the country to be processed for resettlement. Minh also said that some people from the Central Highlands have applied for U.S. visas, but they were denied. Ambassador Marine indicated that we have previously heard unfounded allegations of denied visas, and asked for names of specific instances that we can review.

16. (SBU) Concerning legitimate individual cases of persecution, A/S Sauerbrey indicated the United States would continue to look to resettlement as a good solution. The USG would like to provide in-country processing for such individual cases, rather than forcing people to cross into Cambodia for processing. The AFM assured A/S Sauerbrey of GVN cooperation in allowing people to travel to Ho Chi Minh City for processing and swiftly issuing passports to approved applicants.

17. (SBU) Concerning humanitarian resettlement, MFA Consular Department Expert Thai Trung Dzung said the program, now in its second phase, is benefiting from U.S. financial assistance, but lacks sufficient information sharing. The GVN is willing to cooperate, but its Immigration Department needs a list of names of people who qualify for an interview in order to facilitate the process. Also, tri-monthly working group meetings are not being held regularly. The GVN will carry out two more periods of information outreach in early 2007 and early 2008.

HANOI 00000286 002.2 OF 003

Statelessness Being Addressed by GVN

18. (SBU) On the subject of Vietnam's stateless population, A/S Sauerbrey expressed interest in the GVN's plans to address the problems of the stateless Cambodians resident in Vietnam and the group of Vietnamese women who, having married and divorced Taiwanese and Chinese men, have indeterminate citizenship. Dzung said in the divorce cases, Vietnamese law allows citizenship for the women and their children. He added that cases involving nationality are decided by President Nguyen Minh Triet, so they cannot be resolved quickly.

19. (SBU) Concerning the Cambodians in Vietnam, there is a naturalization process in place, but some technical problems are affecting its implementation. The GVN needs confirmation from the Cambodian side that the individuals in question do not have Cambodian citizenship, but, according to Dzung, the Cambodian consulate in Ho Chi Minh City processes the cases very slowly. The Cambodian authorities also have problems with archives because some of these refugees left during the 1970s. The GVN is currently working with UNHCR to conduct a survey to determine how many stateless Cambodians remain in Vietnam.

GVN Supports Status Quo on DPRK Refugees

10. (SBU) A/S Sauerbrey also urged GVN cooperation in the resettlement of DPRK refugees located in Vietnam. While the USG does not expect a major DPRK resettlement program, it would welcome GVN cooperation in the event such a person, present in Vietnam, would seek to resettle in the United States. For its part, the USG would pursue a discreet and expedited process to determine the person's eligibility. AFM Minh suggested that there are not many DPRK refugees present in Vietnam, so their resettlement is not a U.S.-Vietnam issue. In some past cases, the DPRK refugees have

sought refuge in foreign embassies, in which case the person was neither deported to the DPRK nor to China.

Continue Progress on Religious Freedom

¶11. (SBU) Religious freedom is an area in which the GVN has made strides, especially in being more open to allow people to congregate and practice freely their religion, A/S Sauerbrey said. We hope for more such progress, for example, in facilitating approvals for congregations to acquire land for churches because homes can no longer accommodate growing congregations. AFM Minh said the GVN's policy of religious freedom predated its former "Country of Particular Concern" designation, and there will be continued implementation of religious freedom in practice. The GVN does facilitate land acquisition by congregations, but that it is a step-by-step process that takes time, he said.

In-Country Processing of Ethnic Minority Refugee Cases

¶12. (SBU) Immediately following the meeting with Assistant Minister Minh, A/S Sauerbrey met with MFA Consular Department Deputy Director General Nguyen Minh Vu (sitting in for DG Bui Dinh Dzinh, who was called away on a family emergency). A/S Sauerbrey returned to the issue of in-country processing of individual ethnic minority cases, the goal of which would be to mitigate against ethnic minorities from the Central Highlands crossing the border into Cambodia. The USG anticipates processing a small number of cases on an individual basis, the A/S explained.

¶13. (SBU) Deputy DG Vu noted that UNHCR had determined through its missions to the Central Highlands that ethnic minorities crossed into Cambodia because of rumors that they would be able to resettle in the United States or receive money from NGOs or the UN. If there were some mechanism to permit individuals to go straight to the United States from Vietnam, then such border crossings could be prevented. A/S Sauerbrey noted that it seems that there may be a misunderstanding about what happens when individuals are resettled to the United States, and that perhaps some kind of awareness-raising campaign may be useful. For example, while the U.S. resettlement program seeks to take care of individuals, the expectation is that they will become self-sufficient with the assistance of voluntary organizations and skills training.

¶14. (SBU) Vu underscored that the main issue is that people are crossing the border because they want to resettle in the United States. During recent Vietnam-Cambodia-UNHCR technical talks on the Tripartite MOU, the GVN learned that there are 70 individuals whom UNHCR screened out, but that the U.S. embassy in Phnom Penh is still interested in resettling. This has created a situation in which these people cannot return to Vietnam and must await the USG's decision. The GVN's policy is that if an individual is not

HANOI 00000286 003.2 OF 003

classified by UNHCR as a refugee, then he or she should return to Vietnam. Resettlement from Cambodia creates a magnet effect, Vu explained.

¶15. (SBU) Under Lautenberg, USG and UNHCR standards are different, and this accounts for the difference in how these individuals were classified, A/S Sauerbrey noted. Resettlement is not an immigration program. It is meant for people fleeing oppression or persecution, and if individuals are found not to have a claim, the expectation is that they will return home. On the mechanics of possible in-country processing, PRM Program Officer Kathleen Sheehan noted that the GVN and local authorities must allow candidates to apply for and receive a passport, as well as travel to ConGen HCMC. Vu responded that, as the GVN has explained before, past problems with passports for Visas-93 applicants and others were due to their failure to apply at the immigration office. A lack of proper birth and other documentation has been another factor that the GVN is trying to remediate. Only a very small number of Vietnamese citizens, such as convicted criminals or those who have debt they must repay, cannot receive passports, he explained.

¶16. (SBU) Responding to the Assistant Secretary's question about IOM's USG-funded anti-TIP programs, Vu noted that the GVN now recognizes that the problem of trafficking women and children to China and Cambodia is serious. To address this, the GVN developed its 2005-2010 anti-TIP National Action Plan, of which cooperation with IOM is an integral part. IOM is doing good work in helping trafficking victims to return home, and the GVN welcomes this and other work the organization does. The GVN is also working through the COMMIT process to combat TIP. A/S Sauerbrey noted that, depending on the individual's age and circumstances, options to receive permanent U.S. residence are available to trafficking victims found in the United States. This enables them to testify in trials against traffickers. Vu observed that Vietnam does not yet have such a mechanism and in fact does not have a separate anti-TIP law, although it is working with foreign partners on this matter.

¶17. (SBU) Returning to the Humanitarian Resettlement Program, Program Officer Sheehan pointed out that, although the program will stop accepting applications on June 25, 2008, the expat staff will need to remain to wrap up case processing. The GVN representatives expressed awareness of this matter and will discuss it with the GVN's Immigration Department.

¶18. (SBU) Wrapping up the meeting, MFA Consular Department Expert Dzung stressed that returnees to the Central Highlands are not punished. "This is clear," he said. The GVN is willing to work with the USG on resettling ethnic minorities straight from Vietnam to the United States to prevent them from crossing into Cambodia. If the USG resettles individuals from Cambodia, "this will create a pull factor," Dzung stressed. The GVN hopes to speed up the process and not have individuals stay in camps in Cambodia for a long time, and a second USG look at screened-out ethnic minorities takes time. A/S Sauerbrey responded that, as long as openness in the Central Highlands continues and the international community remains confident that returnees are doing well, the USG could develop some kind of in-country processing that would act as a "safety valve." With this program, there would be no need to do a second screening in Cambodia. Nevertheless, UNHCR's role in screening ethnic minorities would be undiminished because it will continue to resettle ethnic minorities in countries other than the United States, she said.

¶19. (SBU) Assistant Secretary Sauerbrey has cleared this message.

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